

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA**

MALIK ALEEM,)	
)	
Plaintiff)	Civil Action No. _____
)	
v.)	COMPLAINT AND
)	JURY DEMAND
CENIKOR FOUNDATION, INC. and)	
)	COLLECTIVE ACTION
)	
Defendant.)	

Plaintiff MALIK ALEEM, through undersigned counsel, hereby alleges as follows:

THE PARTIES

1. Malik Aleem is an individual of the full age of majority, and a resident and domiciliary of the State of Louisiana.
2. Defendant Cenikor Foundation, Inc. (“Cenikor”) is a Texas entity licensed to do business in Louisiana and doing business in Louisiana. Its principal business establishment within this State is located at 2414 Bunker Hill Drive, Baton Rouge LA 70808.

JURISDICTION AND VENUE

3. This Complaint is brought pursuant to the Fair Labor Standards Act (“FLSA”). This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.
4. The Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367, as the state law claims form part of the same case or controversy as the federal law claim.
5. Defendant regularly transacts business within this District and is subject to

personal jurisdiction here.

6. A substantial part of the claims or omissions alleged herein took place in this District. 28 U.S.C. § 1391(b).

7. Defendant is regularly engaged in commerce pursuant to 29 U.S.C. § 203(s).

8. Defendant's annual volume of sales made and business done has exceeded \$500,000 at all relevant times.

FACTUAL ALLEGATIONS

9. Cenikor bills itself as a rehabilitation center for individuals with substance abuse problems. In reality, it operates more like a temp service, where individual residents are assigned to work on outside jobs for third-party companies. However, all wages earned from those jobs go to Cenikor rather than the individual workers.

10. In 2016, Plaintiff Malik Aleem was offered a stark choice by a judge of the St. James Parish Criminal Court – either attend Cenikor's residential rehabilitation facility, or go to jail.

11. Aleem reported to the Cenikor facility in Baton Rouge, Louisiana, and worked for Cenikor from approximately October 2016 until December 2017 without receiving any pay whatsoever.

12. During this time period, Plaintiff worked at various third-party jobsites throughout the Baton Rouge area including Tony's Fish Fry, RB Electric, the LSU Student Cafeteria, AEC Electric, and the LSU Student Union.

13. Cenikor was responsible for making arrangements with these third-party companies, and any agreement between Cenikor and the third-party company was not shown to, or signed by, Plaintiff.

14. Cenikor assigned Plaintiff to work particular shifts at particular jobsites. As a

result, Cenikor controlled the location and duration of Plaintiff's work. Cenikor also controlled the rate of pay (which was zero).

15. Plaintiff was not permitted to find independent work, outside the scope of the Cenikor assignments.

16. At all relevant times, Cenikor qualified as an "employer" under the FLSA.

17. At all relevant times, Plaintiff was Cenikor's "employee" under the FLSA.

18. Plaintiff worked, on average, 40 hours per week, and sometimes worked overtime.

19. Plaintiff never received any portion of the wages which he earned. Instead, all monies were kept by Cenikor.

20. Cenikor also prevents individuals from obtaining jobs directly from the companies they are working for. If a company attempts to hire a Cenikor worker directly, Cenikor threatens to assess a fine based on an alleged contractual provision.

21. On average, roughly 150 individuals were in residence at the Cenikor Baton Rouge facility at any given time.

22. On information and belief, each of these individuals was required to work at third-party jobsites, and all or some of their wages were retained by Cenikor and not provided to the resident.

23. During the time which Plaintiff resided at the Cenikor facility, he was economically dependent on Cenikor.

24. Although the individuals may be assigned to work at different locations, for different companies, the underlying Cenikor policy is the same – residents are all required to work, but do not receive any of the pay they earn.

25. Cenikor also told residents to apply for benefits under the Supplemental Nutrition Assistance Program (SNAP), also known as food stamps. However, these monthly benefits

were not distributed to the residents. Instead, they were retained by Cenikor.

26. In or around December 2017, Plaintiff became eligible for what Cenikor calls the “re-entry” program. Under the re-entry program, residents are permitted to keep a portion of their wages earned, but are required to pay \$350 in rent to Cenikor for rent and \$80 per month for transportation costs, directly to Cenikor. Plaintiff participated in the re-entry program from approximately December 2017 through February 2018.

FIRST CAUSE OF ACTION

FAIR LABOR STANDARDS ACT

27. Plaintiff hereby realleges and reincorporates all previous paragraphs as if fully set forth herein.

28. The FLSA requires that employers pay nonexempt employees a minimum wage of at least \$7.25 per hour, plus an overtime premium at a rate of at least one and one-half times their regular rate, for all hours over forty in a workweek.

29. Defendant has not paid Plaintiff any of the wages due to him, including minimum wage or overtime.

30. Defendant’s nonpayment of minimum wage and overtime was willful and not based in a good faith belief that its conduct was in accordance with the law.

31. Defendant’s failure to pay the residents the monies which they have earned while working is a common policy, practice or plan in violation of the FLSA.

32. Plaintiff hereby seeks certification of a collective pursuant to 29 U.S.C. § 216(b), consisting of:

All individuals who resided at the Cenikor Foundation, Inc. facility in Baton Rouge, Louisiana, within the three years prior to the filing of this Complaint, and who were assigned by Cenikor to work at third-party facilities but whose earnings were kept, in whole or in part, by Cenikor.

33. Plaintiff and the members of the collective have been injured in an amount to be proven at trial.

SECOND CAUSE OF ACTION

LOUISIANA WAGE PAYMENT ACT

34. Plaintiff hereby realleges and reincorporates all previous paragraphs as if fully set forth herein.

35. Defendant failed to pay Plaintiff and the members of the collective all sums owed by the next regular pay date after the end of employment, as required by La. Rev. Stat. § 23:631.

36. Plaintiff has demanded payment of his wages from Defendant, but the wages have not been paid.

37. Defendant's actions violate the Louisiana Wage Payment Act, La. Rev. Stat. §§ 23:631-632, and Plaintiff is entitled to a penalty, along with reasonable attorneys' fees and costs, in accordance with that Act.

THIRD CAUSE OF ACTION

BREACH OF IMPLIED CONTRACT/QUANTUM MERUIT

38. Plaintiff hereby realleges and reincorporates all previous paragraphs as if fully set forth herein.

39. Defendants have not paid Plaintiff and the members of the collective all wages, earnings, and other monies due to them, and/or have made unlawful deductions from wages, earnings, and other monies due to Plaintiff and the members of the collective.

40. These monies were duly earned by or owed to Plaintiff and the members of the collective. Defendant's failure to pay for this labor has unjustly enriched Cenikor and

impoverished Plaintiff and the members of the collective.

41. There is no justification for Defendant's unlawful nonpayment of wages and deductions from wages, and Plaintiff has no other adequate remedy at law for Defendants' unlawful actions.

42. Defendant's unlawful actions have injured Plaintiff and the members of the collective in an amount to be proven at trial.

43. Plaintiff hereby requests a trial by jury.

WHEREFORE, Plaintiff respectfully prays for judgment as follows:

- a. For certification of this action as a collective;
- b. For an award of all unpaid wages, minimum wage, and overtime according to proof;
- c. For an award of liquidated damages pursuant to 29 U.S.C. § 216(b);
- d. For an award of reasonable attorney's fees;
- e. For costs of suit;
- f. For an award of penalties pursuant to La. Rev. Stat. § 23:632;
- g. For injunctive and equitable relief as provided by law;
- h. For pre and post-judgment interest; and
- i. For such other and further relief as may be just and proper.

Respectfully Submitted,

/s Charles J. Stiegler
Charles J. Stiegler, #33456 (Lead Atty.)
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and

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*Attorneys for Plaintiff and the
Members of the Collective*

JS 44 (Rev. 02/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Malik Aleem

DEFENDANTS

Cenikor Foundation, Inc.

(b) County of Residence of First Listed Plaintiff **E. Baton Rouge**

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Charles Stiegler, Stiegler Law Firm LLC 318 Harrison Ave., New Orleans LA 70124 (504) 267-0777.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 U.S.C. 206, 207

Brief description of cause:
Unpaid wages**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

05/01/2019

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Malik Aleem

Plaintiff(s)

v.

Cenikor Foundation, Inc.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Cenikor Foundation, Inc.
 c/o George Mills, its Registered Agent
 2414 Bunker Hill Drive
 Baton Rouge, La. 70808

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Charles Stiegler
 Stiegler Law Firm LLC
 318 Harrison Ave., Suite 104
 New Orleans, LA 70124
 (504) 267-0777

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CONSENT TO BECOME A PARTY PLAINTIFF

Name: Malik Aleem

1. I consent and agree to join as a party plaintiff in the lawsuit filed against Cenikor Foundation, Inc. in the Middle District of Louisiana, seeking recovery of overtime pay and unpaid wages.
2. I understand that this lawsuit is filed under the Fair Labor Standards Act and Louisiana state law as a collective action and hereby consent, agree, and opt-in to become a plaintiff herein and be bound by any judgment of the Court or any settlement of the action.
3. I authorize the Stiegler Law Firm, LLC, the Chopin Law Firm LLC, and Mansfield Melancon, Cranmer & Dick LLC to act as my attorneys in the above-titled action, along with any other attorneys who may be associated into this action as plaintiffs' counsel.
4. I consent to having the Representative Plaintiff in the Complaint make decisions regarding the litigation, the manner and method of conducting the litigation, the terms of any potential settlement (including the release of claims), and to entering into an agreement with counsel regarding attorney's fees and costs.
5. In the event that this matter is certified as a collective action and then decertified, I authorize the above-listed attorneys to use this Consent To Become a Party Plaintiff to re-file my claims individually in a separate or related action.


Malik Aleem (May 1, 2019)

(Signature)

May 1, 2019

(Date)